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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,867	05/30/2001	Richard J. Qian	10559/476001/P11155	8975

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EXAMINER

RONES, CHARLES

ART UNIT PAPER NUMBER

2164

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/870,867

Applicant(s)

QIAN, RICHARD J.

Examiner

Charles Rones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-12,14-22 and 24-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-12,14-22 and 24-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Amendment

The amendment timely filed on October 4, 2004 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-12, 14-22, and 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sezan et al. U.S. Patent No. 6,236,395 ('**Sezan**') in view of Kelts, U.S. Patent Application No. 2001/0030667 ('Kelts').

Sezan discloses:

As to claims 1, 11, and 21,

searching the media sources for content and metadata based on a search criteria; See 7:15-67; 8:1-30; 9:8-25;

parsing the metadata received from the plurality of media sources, wherein the parsing is performed in real-time; from the sources; See 9:8-25;

receiving user preference information from a user; See 5:10-31; 10:38-65;

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integrating content and metadata corresponding to a search criteria in accordance with the user preference information and based on the parsing of the metadata; See 5:10-31; 9:8-25; 10:38-65; 12:1-67; 26:40-67; and

displaying an integrated content concurrently using one or more displays; See 27:1-48.

Sezan discloses the claimed invention except for the receiving preference from a content service provider and sending the integrated content and metadata to the content service provider. Kelts teaches that it is known to receive preference from a content service provider and sending the integrated content and metadata to the content service provider. It would have been obvious to one having ordinary skill in the art at the time the invention was made to receive preference from a content service provider and sending the integrated content and metadata to the content service provider as taught by Kelts, since Kelts states at paragraphs [0103-0107] that such a modification would allow different presentation devices and different user preferences to be user-specific and managed by the system.

As to searching multiple media sources (plurality of information sources) for content (various content sources) and metadata (music, video or the like); See Kelts: Abstract.

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As to claims 2, 12, and 22,

providing the integrated content and the metadata to an information presenter;

See 5:10-31; 9:8-25; 10:38-65; 12:1-67; 26:40-67; 27:1-48.

As to claims 4, 14, and 24,

wherein the plurality of media sources comprise television programs, Internet broadcasts, and web pages; See 11:6-21.

As to claims 5, 15, and 25,

passing the metadata resulting from the parsing and an associated content to an information integrator using an extensible markup language (XML); See 14:41-67.

As to claims 6, 16, and 26,

passing the metadata resulting from the parsing and an associated content to an information integrator via an Application Programming Interface (API); See 12:48-55.

As to claims 7, 17, and 27,

wherein the content is associated with one or more metadata descriptions; See 5:10-31; 9:8-25; 10:38-65; 12:1-67; 26:40-67.

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As to claims 8, 18, and 28,

wherein the one or more metadata descriptions are created by a multi-modal analysis engine; See Figs. 2-3, and 13; 5:10-31; 9:8-25; 10:38-65; 12:1-67; 26:40-67.

As to claims 9, 19, and 29,

wherein the multi-modal analysis engine comprises one or more of the following: a video analyzer, an audio analyzer, and a digital analyzer; See Figs. 2-3, and 13; 5:10-31; 9:8-25; 10:38-65; 12:1-67; 26:40-67.

As to claims 10, 20, and 30,

storing the integrated content for access by the user; See Figs. 2-3, and 13; 5:10-31; 9:8-25; 10:38-65; 12:1-67; 26:40-67.

Claims 1-2, 4-5, 7-12, 14-15, 21-22, 24-25, and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sull et al. U.S. Patent Publication No. 2002/0069218 ('**Sull**') in view of Kelts, U.S. Patent Application No. 2001/0030667 ('**Kelts**').

Sull discloses:

As to claims 1, 11, and 21,

searching the plurality of media sources for content and metadata based on a search criteria; See Abstract; [0162-164]; [0174-0175]; [0325]; [0465]; [0474-0475];

parsing the metadata received from the plurality of media sources, wherein the parsing of the metadata is performed in real-time; See Abstract; [0162-164]; [0174-0175]; [0325]; [0465]; [0474-0475];

receiving user preference information from a user; See Abstract; [0162-164]; [0174-0175]; [0325]; [0465]; [0474-0475];

integrating the content and the metadata according to the user preference information and based on the result of the parsing of the metadata; See Abstract; [0162-164]; [0174-0175]; [0325]; [0465]; [0474-0475]; and

displaying the integrated content concurrently using one or more displays; See Figs. 2-3; Abstract; [0162-164]; [0174-0175]; [0325]; [0465]; [0474-0475].

Sull discloses the claimed invention except for the receiving preference from a content service provider and sending the integrated the content and the metadata to the content service provider. Kelts teaches that it is known to receive preference from a content service provider and sending the integrated content and metadata to the content service provider. It would have been obvious to one having ordinary skill in the art at the time the invention was made to receive preference from a content service provider and sending the integrated content and metadata to the content service provider as taught by Kelts, since Kelts states at paragraphs [0103-0107] that such a

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modification would allow different presentation devices and different user preferences to be user-specific and managed by the system.

As to claims 2, 12, and 22,

provide the integrated content and the metadata to an information presenter; See Figs. 2-3; Abstract; [0162-164]; [0174-0175]; [0325]; [0465]; [0474-0475].

As to claims 4, 14, and 24,

wherein the plurality of media sources comprises television programs, Internet broadcasts, and web pages; See Figs. 2-3; Abstract; [0162-164]; [0174-0175]; [0325]; [0465]; [0474-0475].

As to claims 5, 15, and 25,

wherein a data description manager to pass the metadata resulting from the parsing and an associated content to an information integrator using an extensible markup language (XML) ; See Figs. 2-3; Abstract; [0162-164]; [0174-0175]; [0325]; [0465]; [0474-0475].

As to claims 7, 17, and 27,

wherein the content is associated with one or more metadata descriptions; See Figs. 2-3; Abstract; [0162-164]; [0174-0175]; [0325]; [0465]; [0474-0475].

As to claims 8, 18, and 28,

wherein the one or more metadata descriptions are created by a multi-modal analysis engine; See Figs. 2-3; Abstract; [0162-164]; [0174-0175]; [0325]; [0465]; [0474-0475].

As to claims 9, 19, and 29,

wherein the multi-modal analysis engine comprises one or more of the following: a video analyzer, an audio analyzer, and a digital analyzer; See Figs. 2-3; Abstract; [0162-164]; [0174-0175]; [0325]; [0465]; [0474-0475].

As to claims 10, 20, and 30,

To store the integrated content for access at anytime by the user; See Figs. 2-3; Abstract; [0162-164]; [0174-0175]; [0325]; [0465]; [0474-0475].

Response to Arguments

Firstly, Applicant argues that the modified invention of Sezan does not include a plurality of media sources or parsing the metadata in real-time.

In response, Examiner maintains that Sezan discloses such as describe.

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Sezan has a plurality of media sources such as cable tv, satellite tv, internet broadcasts, or any suitable source, etc.; See 2:65-67; 3:1-15; 7:50-67.

Sezan is deemed to disclose parsing in real-time wherein the tv signal is deemed to be sent in real-time and parsed then and also when the user select an option that option is generated real-time and dynamically; See 9:63-67; 11:43-50.

Lastly, Applicant argues that the modified invention of Sezan does not include integrating menus from multiple devices.

In response, Applicant is arguing that which is not claimed and therefore the Examiner has no response beyond that which is stated.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within


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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Rones whose telephone number is 571-272-4085. The examiner can normally be reached on Monday-Thursday 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 571-272-4083. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Charles Rones
Primary Examiner
Art Unit 2164

February 9, 2005